

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 8006 OF 2004

Office Notes, Office Court's or Judge's orders
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Mr. T.D. Deshmukh for the petitioner.
Mr. N.V. Walawalkar for the respondents.

CORAM : ANOOP V. MOHTA, J.

DATE : 28.11.2005

. Heard. This is a writ petition whereby the challenge has been made to the order dated 21st June, 2004, passed by the Jt. District Judge, Pune, whereby an application for restoration of appeal was rejected. The main appeal was called for hearing on 12/3/2004. As pointed out by the Counsel appearing for the respondents, both the lawyers of the appellant, as well as, respondents were absent and no justification of their absence was made out. The application

for restoration in fact was filed on 20th March, 2004, within limitation. Taking all this into consideration, the fact that the appellants are educational institution and eviction notice was issued by the respondents, I am of the view that this need to be considered to restore the appeal and allow the parties to contest the matter. Taking all this into account, the present writ petition is allowed. The order dated 21st June, 2004 is quashed and set aside. The application for restoration is allowed. First Appeal is restored to the file. However, this is subject to cost of Rs. 1000/- to be deposited within two weeks and the parties to appear before the District Court on 10/1/2007.

(ANOOP V.MOHTA, J.)